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Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT

IN AND FOR NORTHERN DISTRICT OF CALIFORNIA

DONALD WORTMAN,
WILLIAM ADAMS,
MARGARET GARCIA, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

AIR NEW ZEALAND,
ALL NIPPON AIRWAYS,
CATHAY PACIFIC AIRWAYS,
CHINA AIRLINES,
EVA AIRWAYS,
JAPAN AIRLINES INTERNATIONAL,
MALAYSIA AIRLINES,
NORTHWEST AIRLINES,
QANTAS AIRWAYS,
SINGAPORE AIRLINES,
THAI AIRWAYS,
UNITED AIRLINES,
Defendants.

) **Case No. 07-CV-5634-CRB**

) **MDL No. 1913**

) **REQUEST FOR INTERNATIONAL**
) **JUDICIAL ASSISTANCE**

) **(LETTER ROGATORY)**

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)

Case No. 07-cv-5634-CRB; MDL No. 1913

The United District Court for the Northern District of California, San Francisco Division, presents its compliments to the Appropriate Judicial Authority of New Zealand, and requests international assistance to effect service of process to be used in a Civil proceeding before this court in the above captioned matter.

I. REQUEST

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Appropriate Judicial Authority of Malaysia effect Service of Process of: (1) Class Action Complaint *Wortman, et al. v. Air New Zealand, et al.*; (2) Civil Cover Sheet; (3) Summons in a Civil Case; (4) Notice of Assignment of Case to a United States Magistrate Judge for Trial; (5) Order Setting Initial Case Management Conference and ADR deadlines; (6) ECF Registration Information Handout; (7) Standing Order re Case Management Conference; (7) ADR Dispute Resolution Process; and (8) Order Granting Administrative Motion to Relate Cases, on the below named entity:

AIR NEW ZEALAND
Quay Tower
29 Customs St. West
Auckland, 1020
New Zealand

The Appropriate Judicial Authority of New Zealand is respectfully requested to:

(1) Serve the above mentioned documents, and the translations thereof, by personal service upon legal representatives of AIR NEW ZEALAND at the above address or in a manner prescribed for the service of such documents under the laws of New Zealand; and

(2) Return through diplomatic channels to this Court the proof of service along with a copy of the documents which were served.

II. FACTS OF THE CASE

On November 6, 2007, Plaintiffs, individually and on behalf of the class described below, filed the enclosed Class Action Complaint against Defendants for damages under the antitrust

1 laws of the United States. Plaintiffs allege that Defendants conspired to fix, raise, maintain, and
2 stabilize the prices for long haul passenger transpacific flights to and from the United States, and
3 for fixed fuel surcharges on this transportation, during the class period 2004 to August 2007.
4 Plaintiffs bring this action to recover damages, including treble damages, injunctive relief, costs
5 of suit, and reasonable attorneys' fees caused by Defendants' violations of the Sherman Act, 15
6 U.S.C. § 1. AIR NEW ZEALAND is among the Defendants alleged to have participated in this
7 price-fixing conspiracy.

8 **III. RECIPROCITY**

9 The United States District Court for the Northern District of California, San Francisco
10 Division, expresses its willingness to provide similar assistance to the Appropriate Judicial
11 Authority of New Zealand.

12 **IV. REIMBURSEMENT OF COSTS**

13 The United States District Court for the Northern District of California, San Francisco
14 Division, order Plaintiffs to reimburse the Appropriate Judicial Authority of New Zealand and/or
15 the U.S. Department of State for costs incurred in executing this Letter Rogatory. Plaintiffs shall
16 reimburse the Appropriate Judicial Authority of New Zealand and/or the U.S. Department of
17 State for any expenses incurred in connection with the execution of this Letter Rogatory. Please
18 contact Plaintiffs' counsel before exceeding the amount of US \$1,500. Plaintiffs' counsel is:
19 Steven N. Williams, Cotchett, Pitre & McCarthy, 840 Malcolm Road, Suite 200, Burlingame,
20 California 94010, United States of America; phone (650) 697-6000; fax (650) 697-0577 ; e-mail:
21 swilliams@cpmlegal.com.

22 In acknowledgment of the additional time which is needed to prepare and file an Answer
23 to the attached documents, the time period for answering is extended to forty-five (45) days after
24 service.

25 The Court extends to the judicial authorities of New Zealand assurances of its highest
26 consideration.

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**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

Case No. 07-cv-5634-CRB; MDL No. 1913

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6 DATED: February 01, 2008



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8 [COURT SEAL]
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Honorable Charles R. Breyer
United States District Judge
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
450 Golden Gate Avenue
Courtroom 8, 19th Floor
San Francisco, California 94102
United States of America

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